

REMARKS

Claims 37-45, 48, 50 and 52 are pending in this application, of which claims 37-45, 50 and 52 have been amended. Claims 46, 47, 49, 51 and 53 have been cancelled. No new claims have been added.

Claims 43-45 have been objected to for informalities which have been corrected in the aforementioned amendments.

Claims 37-47 stand rejected under 35 USC §103(a) as unpatentable over **Collins, Jr.** (previously applied) in view of U.S. Patent 5,412,193 to Swartz (hereinafter "**Swartz**").

Applicants respectfully traverse this rejection.

As noted in Applicants' response of May 20, 2002, **Collins, Jr.** discloses a portable scanning terminal 44 mounted on a grocery cart 50, but the terminal 44 requires being in communication with a store processor 110 using an electrical cable 64 connected to floor receptacle 66 or using a transceiver 80, and it is therefore impossible to process purchases independently. In addition, the cart 50 of Collins is not independently movable because of an attachment to the electrical cable 64 fixed to one location. Thus, even if the terminal 44 has the transceiver 80, the cart 50 would not be freely movable because it must be kept relatively immobile within a radio communication area.

The Examiner has admitted that **Collins, Jr.** fails to show a system for handling pre-paid cards which reads prepayment information from the prepaid card and subtracts the price of the individual commodity from the remainder amount, but has urged that it would be obvious to

substitute the credit card system of Collins, Jr. with the well-known prepaid card system, such as a Metro fare card.

Applicants respectfully disagree. The Metro fare card readers are not independently mobile. A novel aspect of the present invention is to utilize a totally independent system which requires no communication with an outside processor or computer, which would be unnecessary with a prepaid card system. Collins, Jr. requires such communication because it utilizes a credit card payment system and the remaining balance must be registered in the card user's account in an external computer.

Swartz et al. teaches a mobile checkout system that can be located anywhere and perform sales transactions, without having to be connected to a fixed external computer but, like Collins, Jr., fails to disclose the prepaid card system claimed in the present invention.

Claim 37, from which the remaining pending claims depend, recites using a prepaid card as a manner of payment. Collins, Jr. and Swartz et al. fail to disclose using a prepaid card as a manner of payment. In particular, these systems require equipment for communicating with external devices. For example, Swartz et al. discloses, "*Communication from the terminal 106 to a remote host computer is achieved through either detachable wiring and/or through radio frequency transmission to a remote receiver.*"

Whereas, the mobile shopping cart of the present invention requires no such communication device to communicate with an external device such as a host computer because it uses a prepaid card reader and a registering section.

Thus, the 35 USC §103(a) rejection should be withdrawn.

Claims 48-53 stand rejected under 35 USC §103(a) as unpatentable over Collins, Jr. modified by Swartz et al. and further in view of Ehrat (previously applied).

Applicants respectfully traverse this rejection.

Ehrat, like the other cited references, fails to teach, mention or suggest the independently mobile shopping cart utilizing the prepaid card, as claimed in the present invention.

Thus, the 35 USC §103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 37-45, 48, 50 and 52, as amended, are in condition for allowance, which action, at an early date, is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 08/792,468

08/792,468

Attorney Docket N .: 940494B

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made
Petition for Extension of Time

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IN THE CLAIMS:

Please cancel claims 46, 47, 49, 51 and 53.

Please amend claims 37-45, 50 and 52 as follows:

37. (Amended) An independently mobile shopping cart, which is movable in a shop to collect and purchase one or more commodities, comprising:

a cart body for carrying the one or more commodities; and

a payment processor for handling a payment for the commodities with a prepaid card,
having

a commodity code reader for reading a commodity code applied to the individual
commodity,

a commodity price identifying section for identifying the price of the individual
commodity based on the commodity code read by said commodity code reader,

a prepaid card reader for reading information about a current remainder of prepayment
from the prepaid card, and

a registering section for subtracting the price of the individual commodity identified by
said commodity price identifying section from the current remainder of prepayment read by said

prepaid card reader, and registering the result of the subtraction on the prepaid card as a new remainder of prepayment.

38. (Amended) An independently mobile shopping cart as defined in claim 37, wherein said payment processor further comprises:

[a] an indicating section for indicating, if necessary, that the current remainder read by said prepaid card reader is insufficient for the price of the individual commodity identified by said commodity price identifying section.

39. (Amended) An independently mobile shopping cart as defined in claim 38, wherein said payment processor further comprises:

a first selecting section for selecting, when the current remainder is insufficient for the individual price of the commodity, either (i) to carry out the payment with another prepaid card or (ii) to cancel the payment, and controlling said prepaid card reader and said remainder registering section accordingly.

40. (Amended) An independently mobile shopping cart as defined in claim 37, wherein said payment processor further comprises:

a receipt issuing section for issuing a receipt upon completion of the payment.

41. (Amended) An independently mobile shopping cart as defined in claim 38, wherein said payment processor further comprises:

a receipt issuing section for issuing a receipt upon completion of the payment.

42. (Amended) An independently mobile shopping cart as defined in claim 39, wherein said payment processor further comprises:

a receipt issuing section for issuing a receipt upon completion of the payment.

43. (Amended) An independently mobile shopping cart as defined in claim 40, wherein said payment processor further comprises:

a second selecting section for [selecting either] choosing whether or not to receive a receipt for the payment [is needed or not], and controlling said receipt issuing section accordingly.

44. (Amended) An independently mobile shopping cart as defined in claim 41, wherein said payment processor further comprises:

a second selecting section for [selecting either] choosing whether or not to receive a receipt for the payment [is needed or not], and controlling said receipt issuing section accordingly.

45. (Amended) An independently mobile shopping cart as defined in claim 42, wherein said payment processor further comprises:

a second selecting section for [selecting either] choosing whether or not to receive a receipt for the payment [is needed or not], and controlling said receipt issuing section accordingly.

50. (Amended) An independently mobile shopping cart as defined in claim 37, wherein said payment processor further comprises:

a measuring section for measuring the total weight of the commodities carried by said cart body; [and]

an observing section for observing whether a change in the total weight measured by said measuring section accompanies the reading operation of the commodity code by said commodity code reader; and

an alarm generating section for generating an alarm when said observing section observes that any change in the total weight does not accompany the reading operation of the commodity code.

52. (Amended) An independently mobile shopping cart as defined in claim 48, wherein said payment processor further comprises:

a measuring section for measuring the total weight of the commodities carried by said cart body;

[a] an observing section for observing whether a change in the total weight measured by said measuring section accompanies the reading operation of the commodity code by said commodity code reader; and

an alarm generating section for generating an alarm when said observing section observes that any change in the total weight does not accompany the reading operation of the commodity code.